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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,970	01/17/2001	Philippe Mace	PF980045	1467

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EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,970

Applicant(s)

MACE, PHILIPPE

Examiner

Trang U. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 9, 10, 14-16, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 10, 2004 has been entered.

Response to Arguments

2. Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive.

In re page 8, applicant argues, applicant requests that the Examiner remove the rejection to claim 9 because the claimed limitation "the utilization of the processed data having to be triggered at a given theoretical instant" is neither disclosed nor suggested in Geer.

In response, the examiner respectfully disagrees. As discussed in the last Office Action, Greer et al discloses in col. 5, lines 19-51 that "Step 210 of Fig. 2 is illustrated in more detail beginning with step 220 of FIG. 4(a) in case where the user elects to use clipping to enforce the minimum and maximum display duration limits specified in step 100...Then, the converter program repeats steps 230-242 to enforce the minimum and maximum display time limits for the second images, and then the histogram routine jumps to step 302 of FIG. 6(a) as describe below". From the above passage, it is clear that

Art Unit: 2614

FIG. 4(a) of Geer et al utilizes the processed data having to be triggered at a given theoretical instant (the display time of Geer et al). Thus, Geer et al does indeed disclose the claimed "the utilization of the processed data having to be triggered at a given theoretical instant".

In re pages 9-10, applicant argues, with respect to claim 15, that one skilled in the art would not be motivated to combine Greer with Yagasaki in the manner cited by the Examiner because Greer is directed towards calculating the duration of time an image is presented, where the image is part of a presentation of images while Yagasaki is concerned with the operation of an address list and buffer memory for the allocation of "multiple subtitles" where each subtitle is associated with a data node.

In responses, the Examiner respectfully disagrees. The examiner has pointed out what each of the prior art references teaches and has indicated how and why these references would have been combined to arrive at the claimed invention. Applicant cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Yagasaki is cited only to suggest MPEG encoder to encode the video and subtitle signals. A reference must be considered not only for what it expressly teaches, but also for what it fairly suggests. In re Burckel, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979). The artisan is presumed to know something about the art apart from what references literally disclose. In re Jacoby, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The examiner believes that the artisan would have recognized the obviousness of encoding the video and subtitle signals using MPEG encoder.

In re page 10, applicant argues, with respect to claims 19-20, that applicant disagrees with this ground of rejection.

In response, since applicant did not "distinctly and specifically point out errors" in the examiner's action, claims 19-20 are again rejected as set forth in the last Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Greer et al. (US Patent No. 5,574,798).

In considering claim 9, Greer et al discloses all the claimed subject matter, note 1) the claimed wherein said method it comprises a step of calculating a minimum duration (d) of utilization of the data, which is proportional to the amount (L) of data contained in the data set is met by the CPU 22 which is programmed by an image analyzer program 24 to determine the amount of information in each of the images, the result is passed to a display time converter program 30 to determine the length of time that each image should be displayed based on the amount of information in the respective image, the greater the information content, the longer the image is displayed (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10).

In considering claim 10, the claimed wherein the minimum duration (d) is an increasing function of the size of a data storage area empty of data is met by the empty area of the RAM 20 (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10).

In considering claim 14, the claimed wherein said method comprises a step of counting making it possible for the utilized data to be the data emanating from the processing step which has been stored for the longest time is met by the counter of the weight determination program 24a, called a "histogram analyzer" routine (Figs. 3(a-c), col. 3, line 43 to col. 5, line 51).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer et al. (US Patent No. 5,574,798) in view of Yagasaki (US Patent No. 5,847,770).

In considering claim 15, Greer et al disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the set of data detected in the data flow represents a subtitle consisting of coded data in a data flow conveyed according to the MPEG 2 System transport standard and wherein the processing of the data is the decoding the coded data, and wherein the utilization of the data is the displaying of the decoded data on screen. Yagasaki teaches that referring to Fig. 1 of the drawings, a picture and subtitle encoding apparatus is show

Art Unit: 2614

and is comprised of a picture encoding apparatus 20 and a subtitle coding apparatus 26, picture encoding apparatus is comprised of an encoder unit 22 and a buffer memory 24, wherein a video image (i.e., a picture signal) is supplied to encoder unit 22, which may be an MPEG encoder, and which encodes the video signal in a manner well known in the art, and which supplies the encoded signal to buffer memory 24 which temporarily stores the encoded signal therein (Fig. 1, col. 1, line 1 to col. 2, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the MPEG encoder as taught by Yagasaki into Greer et al.'s system in order to encode and decode subtitle data which are operable to efficiently encode/decode and subsequently output a subtitle signal representing one or more subtitles to be displayed on a video image.

In considering claim 16, the claimed wherein the minimum duration (d) of display of the decoded data is proportional to a parameter (m) dependent on weighting means related to the language in which the subtitle is to be displayed is met by the image analyzer program 24, called a "graphic primitive recognition analyzer" routine (Fig. 9, col. 8, lines 24-67 of Greer et al).

7. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagasaki (US Patent No. 5,847,770) in view of Greer et al. (US Patent No. 5,574,798).

In consider claim 19, Yagasaki discloses all the claimed subjected matter, note 1) the claimed detecting said data from a data flow transported as part of the MPEG compatible transport stream is met by the demultiplexer 42 which demultiplexes the supplied signal and supplied the video signal (i.e., the picture stream) to picture

decoding apparatus 44 and supplies the subtitle data (i.e., the subtitle stream) to subtitle decoding apparatus 50 (Fig. 2, col. 2, lines 6-20), 2) the claimed decoding said data into a subtitle, wherein said subtitle corresponds to a sequence of MPEG video images is met by the subtitle decoder 56 (Fig. 2, col. 2, lines 29-55), and 3) the claimed displaying said subtitle information as to be superimposed over said sequence of MPEG video images in accordance with a presentation time stamp (PTS) which determines when to display said subtitle information is met by the address controller 58 which establishes the write and read address control signals that are supplied to buffer memory 52 from the display time, position data and the data amount information, and in response to control signal from demultiplexer 42 and from Fig. 6, the larger amount of data, the longer time display (Figs. 2-6, col. 2, line 29 to col. 3, line 63).

However, Yagasaki explicitly does not disclose the claimed displaying said subtitle information for a duration in proportion to a value corresponding to the length of the subtitle.

Greer et al teach that the CPU 22 which is programmed by an image analyzer program 24 to determine the amount of information in each of the images, the result is passed to a display time converter program 30 to determine the length of time that each image should be displayed based on the amount of information in the respective image, the greater the information content, the longer the image is displayed (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the MPEG encoder as taught by Greer et al. into

Art Unit: 2614

Yagasaki's system in order to provide a system which determines an optimum duration for displaying each of a multiplicity of images or subtitle in a visual presentation.

In consider claim 20, the claimed wherein said duration of display is calculated in view of the length of said subtitle information and a size of a memory area used to store said subtitle information where the duration increases when the size of said memory area empty of data increases and decreases when the size of the memory area empty of data decreases is met by the empty area of the RAM 20 (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10) of Greer et al.

Allowable Subject Matter

8. Claims 1-8 and 17-18 are allowed.

9. Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT
March 4, 2005


TRANG TRAN
PATENT EXAMINER